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BY ECF

Honorable Dale E. Ho
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Steven Dominguez v. City of New York, et al., 21-CV-02302 (DEH)

Your Honor:

I am a Senior Counsel in the office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing defendants in the above-referenced action. In that capacity, I write jointly with plaintiff's counsel in response to the Court's February 25, 2025 Order, to provide the parties' availability for trial beginning in May 2025 and beyond. As the Court is aware, trial in this matter is likely to include upwards of twenty witnesses including numerous expert witnesses. Because of the potential scope of trial, and the various moving parts that all need to be available during the same time period, the parties' availability for the rest of the year is currently limited to the three windows below:

September 8, 2025 – September 19, 2025;

October 6, 2025 – October 24, 2025;

December 1, 2025 – December 19, 2025.

If all else were equal to the Court, the parties respectfully request that the September window be considered a last resort amongst the three windows above due to the fact that numerous individuals involved with the trial have scheduled vacations ending just before and up through Labor Day which will create challenges in terms of adequately preparing for trial. However, should that window be preferable to the Court, or the only available option, the parties will of course make it work.

In terms of our unavailability prior to the first window in September, one of the individual defendants is currently enrolled in the Emergency Service Unit ("ESU") Academy

training to become a member of ESU. He is expected to graduate on June 21, 2025. However, were he to miss a portion of his training sufficient for him to adequately participate as a witness at trial, he would be forced to restart the training academy all over again during the next available window. Thereafter, I am scheduled to be on trial in the matter Galarza v. City of New York, et al., 19 CV 10898 (LAK) (KHP), before the Honorable Lewis A. Kaplan, beginning on June 9, 2025, up through approximately June 19, 2025. Thereafter, I will be on vacation out of the country from June 20, 2025, up through July 5, 2025. One of the individual defendants will be on vacation from July 4, 2025, up through July 13, 2025. Plaintiff's counsel, who also has a trial scheduled for June 9, 2025, has pre-trial filings due throughout the month of July in advance of an August 9, 2025 trial. Two of the individual defendants have scheduled vacations that run in combination from August 15, 2025, up through August 29, 2025. I have a scheduled vacation that runs from August 29, 2025, up through September 3, 2025. Rosh Hashanah is the week of September 22, 2025, and Yom Kippur is October 1, 2025, through October 2, 2025. Last, one individual defendant will be on vacation from November 17, 2025, up through November 21, 2025, while another will be on vacation from December 19, 2025, up through December 28, 2025.

Should none of the parties' available windows work for the Court, the parties respectfully request that we be permitted to confer further, subject to the available windows for the Court, to see if we can make any adjustments that would permit trial to take place in some window other than those set forth above.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla
Senior Counsel
Special Federal Litigation Division

cc: All Counsel (By ECF)